THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18611 of 2005

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Dated 23.08.2005

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Between:

Algani Lingamaiah Goud,

S/o Late Algani Chevella. …Petitioner

AND

1. The District Collector, Rangareddy

District, Lakdikapool, Hyderabad and another

…Respondents

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THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 18611 of 2005

ORDER:

This writ petition is filed seeking a direction, in the nature of writ of Mandamus, to declare the action of the respondent in not granting the succession in favour of the petitioner over the land of an extent of Ac.23.00 guntas situated in Sy.No.35 of Peddashapur Village, Shamshabad Mandal, R.R.District, as arbitrary and illegal.

It is the case of the writ petitioner that his father was the protected tenant over the land of Ac.23.00 guntas situated in Sy.No.35 of Peddashapur village, Shamshabad Mandal, R.R.District and he died leaving behind him as his sole legal heir and successor. Hence, he filed a petition under Section 40(2) of the A.P. Telangana Area Teancy & Agricultural Lands Act, 1950, before the 2nd respondent, seeking to grant succession in his favour. On the report submitted by the Mandal Revenue Inspector, a notification was issued calling objections from the public. No objections were filed. But the respondent has not granted any succession so far, in favour of the petitioner. Hence, the writ petition.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Revenue and perused the material available on record.

On a perusal of the record, it is apparent that the father of the petitioner was tenant in respect of the land in question. On the demise of his father, the petitioner sought for succession of tenancy over the land in question by way of filing a petition before the 2nd respondent. The petition is pending consideration and no final orders have been passed so far. At this stage, the petitioner approached by way of filing this writ petition, which is premature one. The question as to entitlement of the petitioner for succession of tenancy over the land in question is within the domain of the respondents. Apart from that, the matter in question is purely civil in nature.

Therefore, without expressing any opinion on the merits of the case, I dispose of the writ petition with a direction to the 2nd respondent to dispose of the petition filed by the petitioner under Section 40 (2) of A.P. (Telangana Area) Tenancy And Agriculture Land Act, 1950 in accordance with the rules and regulations, within a period of two weeks from the date of receipt of a copy of this Order.

In the result, the writ petition is disposed of at the admission stage. No costs.

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23rd August, 2005

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